



MEMO ENDORSED

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July 14, 2025

BY ECF AND EMAIL

Hon. Katherine Polk Failla
U.S. District Court, Southern District of New York
Failla_NYSDChambers@nysd.uscourts.gov

JONATHAN STREETER
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Re: *Pentacon BV et al. v. Vanderhaegen et al.*, No. 23-cv-02172-KPF

Dear Judge Failla:

We write on behalf of Plaintiffs Pentacon BV and Baltisse NV in the above-referenced action. Pursuant to Rule 9.C.i of Your Honor's Individual Rules and Paragraph 3.1.6 of the Confidentiality Stipulation and Protective Order entered by this Court on May 23, 2024 (ECF No. 68) (the "Protective Order"), Plaintiffs hereby request leave to file under seal Exhibit A to Plaintiffs' letter motion requesting an informal conference filed today, July 14, 2025.

Exhibit A is a copy of an amended privilege log services by Defendants in this action on July 7, 2025. Defendants designated this privilege log as "Confidential Information" under the Protective Order by stamping each page with the words "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER." Plaintiffs bring this letter motion to comply with Paragraph 3.1.6 of the Protective Order and to provide Defendants with the opportunity to file a letter within 7 days in support of continued sealing or redaction of Exhibit A pursuant to Your Honor's Individual Rules.

In addition, Plaintiffs request that the sealed Exhibit A to Defendants' Letter Motion for a Rule 37.2 Conference (ECF No. 85), remain under seal. The Protective Order requires Plaintiffs to respond within seven days to the filing of a sealed document containing materials that they have designated as confidential. *See* ECF No. 68 at 3.1.6. On July 8, 2025, Your Honor directed the Clerk of the Court to "maintain docket entry 85 under seal" before Plaintiffs could respond. ECF No. 86 at 2. Out of an abundance of caution, Plaintiffs write herein to confirm that ECF No. 85 contains "Confidential Information" as described in the Protective Order, including *inter alia*, "non-public commercial . . . information," about Plaintiffs' operations and investments and Plaintiffs' "affiliates, employees, [and] agents" to whom Plaintiffs may owe a duty of confidentiality. *See* ECF No. 68 at 3.1.6. As such, Plaintiffs write herein to fulfill its obligations under the Protective Order to respond to Defendants' filing of this document under seal, and to request that it continue to be maintained under seal pursuant to the Court's July 8, 2025, Order.

Thank you for the Court's attention to this matter.



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Respectfully submitted,

/s/ Jonathan Streeter
Jonathan Streeter
Partner

Cc: All Counsel of Record (by ECF)

Application GRANTED.

The Clerk of Court is directed to maintain docket entries 85 and 93 under seal.

Dated: July 16, 2025
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE